

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8718 of 2022

Suresh Chandra Bhoi

....

Petitioner

Mr. R.C. Maharana, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

07.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with 2(a) C.C. No.49 of 2022, pending before the Court of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of Excise E.I. & E.B. Unit-1 Cuttack P.R. No.249 of 2022-23, for alleged commission of offences under Section 21(b) of NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack, by order dated 19.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 29.07.2022, on the allegation of being in possession of contraband to the tune of 40gms (Heroin).

5. It is stated that the same is less than the commercial quantity and as final P.R. has already been submitted, further continuance of the petitioner in custody is unwarranted.

6. Taking into account the quantity of contraband and the submission of the learned counsel for the petitioner that the petitioner is the first offender, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. While releasing the petitioner on bail, the learned Court in seisin over the matter shall verify assertion regarding criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha